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LANCE IAN OSBAND

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE IAN OSBAND,

Petitioner,

v.

WARDEN, San Quentin State Prison,

Respondent.

NO. CIV-S-97-0152 WBS KJM

CAPITAL CASE

**ORDER EXPANDING RECORD TO INCLUDE
DEPOSITION OF JANAK K. MEHTANI, M.D.**

In its order on Petitioner's motion for evidentiary hearing, the Court granted a limited hearing on Claim 5 of the Amended Petition. The Court directed that testimony would be taken from Janak K. Mehtani, M.D., the psychiatrist whom the trial judge appointed prior to trial for the purpose of evaluating Petitioner's competence. Order filed 5/11/2005 (Doc. 169) at 23. The parties and the Court subsequently agreed that Dr. Mehtani's testimony would be taken by deposition. *See* Order filed 6/14/06 (Doc. 270) at 3:1-3.

After the deposition was taken, Petitioner moved to expand the record with the transcript and the exhibits attached thereto. The State did not object to the transcript and exhibits being made part of the record, on condition that the word "incompetent" on page 86, line 1, be corrected to read "competent," and that the word "irrationally" on page 86, line 14, be corrected to read "rationally." Petitioner initially

1 objected to the correction, then withdrew his objection after the court reporter stated the words had been
2 transcribed incorrectly.

3 With those two corrections, the Court hereby makes the deposition transcript and the
4 exhibits thereto part of the record.

5 IT IS SO ORDERED.

6 Dated: January 5, 2007.

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9 U.S. MAGISTRATE JUDGE
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